

NO. 24616

IN THE SUPREME COURT OF THE STATE OF HAWAII

OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

THOMAS R. LEPAGE, Respondent.

(ORIGINAL PROCEEDING)

(ODC 00-265-6611, 00-266-6612, 01-136-6880)

ORDER OF DISBARMENT

(By: Moon, C.J., Levinson, and Nakayama, JJ., Intermediate Court of Appeals Judge Watanabe, in place of Acoba, J., who is unavailable, and Circuit Judge Chang, assigned by reason of vacancy)

Upon consideration of the Disciplinary Board's Report and Recommendation for the Suspension of Thomas R. LePage, the exhibits thereto, the record, and Respondent LePage's lack of objection thereto, it appears Respondent LePage committed multiple violations of Rules 1.1, 1.2, 1.3, 1.4(a), 1.4(b), 1.15(a)(1), 1.15(b), 1.15(c), 1.15(d), 1.15(f)(3), 1.15(f)(4), 1.15(g), 1.16(a)(2), 1.16(d), 3.2, 3.4(e), 5.4(a), 5.5(a), 8.1(b), 8.4(a), 8.4(c), and 8.4(d) of the Hawai'i Rules of Professional Conduct. It further appears that there were multiple acts of unethical behavior and a pattern of misconduct. Respondent LePage also has prior discipline involving similar professional misconduct (a one year and one day suspension in 2001) and substantial experience in the practice of law. It finally appears that Respondent LePage was suspended from the practice of law since November 6, 2001 and has not been reinstated.

In mitigation, Respondent LePage has experienced past suffering, shame, and humiliation by virtue of his imprisonment.

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Disciplinary Board v. Bergan, 60 Haw. 546, 592 P.2d 814 (1979). Respondent LePage has expressed extreme remorse, and has demonstrated candor and a cooperative attitude toward these proceedings. Respondent LePage also had good character and reputation prior to his ice addiction, had taken steps toward rehabilitation, and there has been a lengthy passage of time since his misconduct and the completion of this disciplinary proceeding. However, where "disciplinary violations are severe and extensive and include misappropriation of clients' funds," as they do here, disbarment is appropriate. See Office of Disciplinary Counsel v. Silva, 63 Haw. 585, 594-595; 633 P.2d 538, 545 (1981); Office of Disciplinary Counsel v. Lau, 85 Hawai'i 212, 215-216, 941 P.2d 295, 298 (1997). Therefore,

IT IS HEREBY ORDERED that Thomas R. LePage is disbarred from the practice of law in this jurisdiction. The disbarment is effective from November 7, 2002 (the date of expiration of the November 7, 2001 suspension of one year and one day).

IT IS FURTHER ORDERED that in addition to any other requirements for reinstatement imposed by our Rules, Respondent LePage shall pay for all costs relating to this proceeding, as recommended by the Board.

IT IS FINALLY ORDERED that Respondent LePage shall, within ten (10) days after the date of this order, file with this court an affidavit in full compliance with RSCH 2.16(d).

DATED: Honolulu, Hawai'i, October 2, 2007.


Steven H. Levinson
Pamela A. Neaseyana
Corinne K. A. Watanebe
Gary W. B. Chay